

Application Serial No. 10/085,292
Amendment Dated: September 30, 2004
Reply to Office Action dated: July 1, 2004

Page 10 of 10

REMARKS

In the Office Action dated July 1, 2004, claims 1-9, 14 and 15 are rejected under 35 USC §103(a). Claim 13 is objected to, but indicated as being allowable if rewritten in independent form. Claims 10, 11, 16, 18-27, 29 and 31 are allowed.

In the Office Action, the Examiner's indication that claim 13, while objected to, would be allowable if rewritten in independent form is noted and appreciated. Applicants are forgoing amending claim 13 to independent form pending the Examiner's further consideration of the following remarks regarding the patentability of current claim 1. Applicants will consider amending claim 13 to independent form including all of the features of present claim 1 as necessary after the next Office Action.

Claims 1-9, 14 and 15 are rejected under 35 USC §103(a) as being unpatentable over Nasr, in view of Lech. The Examiner contends that Nasr teaches certain features of Applicants' invention as set forth in the claims but fails to mention forming a plurality of selectable databases containing product performance data. The Examiner cites Lech for teaching the step of forming a plurality of databases containing product performance data. From this the Examiner contends that it would have been obvious to one of ordinary skill in the art to include the teachings of Lech in the invention of Nasr in order to provide a method of having sufficient degree of sophistication for quality control which is not only retroactive by also proactive to provide continuous improvement to all areas of industry.

However, it is respectfully submitted that the Examiner has misinterpreted the teachings of the references. It is also submitted that the Examiner has not made a *prima facie* case of obviousness to support a rejection of Applicants' invention as set forth in claims 1-9, 14 and 15.

First, it is submitted that Nasr is directed to entirely different process than that set forth by the Applicants. Nasr teaches a method and system for assessing remanufacturability of one or more items in an apparatus based on the overall condition of the item, whether the item satisfies operation specifications and a determination of risk priority for the item to identify which of a plurality of remanufacturing options are viable.

Application Serial No. 10/085,292
Amendment Dated: September 30, 2004
Reply to Office Action dated: July 1, 2004

Page 11 of 14

It is respectfully submitted that Nasr's method for assessing remanufacturability of one or more items in an apparatus is not the same as Applicants' method of determining product performance.

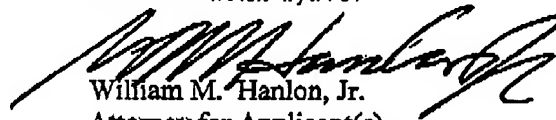
This is the especially true when Lech is considered in the combination posed by the Examiner. Lech teaches a quality management system including a set of network operator stations for entering data critical to quality customer information and information relating to the equipment to be monitored on a quality basis. The databases incorporated by Lech do not provide the same information related to product performance data as provided by the databases containing product performance data set forth by the Applicants in claim 1. Thus, combining the databases of Lech in the system of Nasr would not yield a method of determining product performance having the method steps set forth by the Applicants in claim 1, and claims 2-9, 14 and 15 which depend therefrom.

Since Applicants have demonstrated that one of ordinary skill in the art to which Applicants invention pertains would not be led to combine Lech with Nasr and, further, since any permissible combination of Lech with Nasr would not yield a method of determining product performance having the features of Applicants' invention set forth in claims 1-9, 14 and 15, it is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness to support a rejection of the claims.

Reconsideration and allowance of claims 1-9, 14 and 15 is respectfully requested.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD
& HELMHOLDT, P.C.



William M. Hanlon, Jr.
Attorney for Applicant(s)
Registration No. 28422
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

Dated: September 30, 2004
WMH/jao